

KATHRYN J. FRITZ (CSB NO. 148200)  
 kfritz@fenwick.com  
 RYAN J. MARTON (CSB NO. 223979)  
 rmarton@fenwick.com  
 LESLIE A. KRAMER (CSB NO. 253313)  
 lkramer@fenwick.com  
 FENWICK & WEST LLP  
 555 California Street, 12th Floor  
 San Francisco, CA 94104  
 Telephone: (415) 875-2300  
 Facsimile:(415) 281-1350

Attorneys for Defendants Alibaba Group Holding  
 Limited and Alibaba.com

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

EARTHSTONE INTERNATIONAL, LLC,

Plaintiff,

v.

ALIBABA GROUP HOLDING LIMITED, d/b/a  
 AliExpress, and ALIBABA.COM,

Defendants.

Case No. 3:11-cv-01990-SI

**STIPULATION AND [PROPOSED]  
 ORDER SETTING HEARING DATE  
 AND BRIEFING SCHEDULE FOR  
 PLAINTIFF'S MOTION FOR  
 TEMPORARY RESTRAINING  
 ORDER**

WHEREAS, Plaintiff Earthstone International, LLC ("Earthstone") filed its Amended Complaint for Temporary Restraining Order, Injunctive Relief and Damages on April 26, 2011 against Defendants Alibaba Group Holding Limited, dba AliExpress, and Alibaba.com (collectively Defendants);

WHEREAS, Earthstone filed its Amended Emergency Motion for Temporary Restraining Order and for Order to Show Cause Re Preliminary Injunction (the "Motion") on April 26, 2011;

WHEREAS, the Motion was incorrectly noticed for hearing on April 4, 2011 (*see* Dkt. No. 10);

WHEREAS, Defendants' appearance in this action is limited to opposition of the Motion and Defendants wish to preserve their defense of insufficient service of process;

WHEREAS, subject to the Court's availability, Earthstone and Defendants have conferred and agreed that the hearing on the Motion should be rescheduled to May 6, 2011 at 9:00 a.m.;

WHEREAS, Defendants intend to file an opposition to the Motion no later than May 4, 2011;

NOW THEREFORE, the parties jointly stipulate that:

1. The Motion hearing is rescheduled for May 6, 2011 at 9:00 a.m.;
2. Defendants' appearance in this action is limited to opposition of the Motion and Defendants' defense of insufficient service of process is preserved;
3. Defendants will file their opposition to the Motion no later than May 4, 2011.

SO STIPULATED.

Dated: April 28, 2011

FENWICK & WEST LLP

By: /s/ Ryan J. Marton

Ryan J. Marton

Attorneys for Defendants Alibaba Group  
Holding Limited and Alibaba.com

Dated: April 28, 2011

BRANNON SOWERS HUGHEL P.C.

By: /s/ Patricia A. Hughel

Patricia A. Hughel

Attorney for Plaintiff  
Earthstone International, LLC

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
SAN FRANCISCO

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Ryan J. Marton, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 28th day of April 2011, at San Francisco, California.

FENWICK & WEST LLP

By: /s/ Ryan J. Marton

Ryan J. Marton

Attorneys for Defendants Alibaba Group  
Holding Limited and Alibaba.com

**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: April \_\_, 2011

By:   
Honorable Susan Illston

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
SAN FRANCISCO